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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/611,737

07/01/2003

David R. Robins

**BA-0342

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23377 7590 06/10/2009
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EXAMINER

NGUYEN, ALLEN H

ART UNIT

PAPER NUMBER

2625

MAIL DATE

DELIVERY MODE

06/10/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/611,737	Applicant(s) ROBINS, DAVID R.	
	Examiner Allen H. Nguyen	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-31, 36, 37 and 42-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-31, 36, 37 and 42-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/28/2009 has been entered. Currently, claims 29-31, 36-37, 42-56 are pending.

Response to Arguments

2. Applicant's arguments have been considered but are moot in view of the new ground of rejection.

Claim Rejections - 35 USC § 112

3. Claims 45, 49, 56 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claims 45, 49, 56: The limitation of "The method, wherein the performing image processing comprises performing image processing such that the time required to print the first plurality of processed images is reduced" is limitation not

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described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the claimed invention. The specification teaches the time to process all of the images are reduced but not any portion of the processed images.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 29-31, 36-37, 43-45, 47-49, 50-52, 54-56 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagasaka (US 5,333,246).

Regarding claim 36, Nagasaka '246 discloses a system (Figs. 2, 31, 34, 37) for printing a plurality of digital images (i.e., a print engine 301 for printing a multi-page, multiple-copy document from 6a-6c; see col. 6, lines 40-65 and col. 7, lines 1-20, fig. 2), the system comprising:

first image processing means (a server process 211 of computer 6a, figs. 2, 5) for performing image processing on a first set of images (i.e., server process 211 of the computer 6a receives the intermediate code data strings, extracts **the data portion**, and transfers them to a rasterizer 212; see col. 7, lines 10-15) including fewer than all of a plurality images to produce a first plurality of processed images (i.e., the formed

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intermediate code 10 is divided into plural portions and the respective portions of the divided intermediate code strings 230 of computer 6a which generates a printing request; see col. 6, lines 64-68 and col. 7, lines 1-20, figs. 2-5);

print engine activation means for activating a print engine (col. 9, lines 10-25, figs. 7-8 and it should be noted that print engine activation means for activating a print engine is inherent in the print engine);

first printing means (Client process 210 of 6a, fig. 4) for printing the first plurality of processed images using the print engine (i.e., the client process 210 executes a printer control code addition processing 221 for the plurality of picture element data in accordance with the physical specifications of the printer 21/ printing unit 135; see col. 7, lines 35-50, figs. 2, 34).

Regarding claim 37, Nagasaka '246 discloses the system (Figs. 2, 31, 34, 37), further comprising:

second image processing means (a server process 211 of computer 6b, figs. 2, 5) for performing image processing on a second set of images (i.e., server process 211 of the computer 6b receives the intermediate code data strings, extracts **the data portion**, and transfers them to a rasterizer 212; see col. 7, lines 10-15) including fewer than all of a plurality images to produce a second plurality of processed images (i.e., the formed intermediate code 10 is divided into plural portions and the respective portions of the divided intermediate code strings 230 of computer 6b which generates a printing request; see col. 6, lines 64-68 and col. 7, lines 1-20, figs. 2-5);

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second printing means (Client process 210 of 6b, fig. 4) for printing the second plurality of processed images (i.e., the client process 210 executes a printer control code addition processing 221 for the plurality of picture element data in accordance with the physical specifications of the printer 21; see col. 7, lines 35-50, fig. 2) without stopping and reactivating the print engine (i.e., With the advance of the development of printing units suitable for high speed digital printing without stopping and reactivating the print engine, it is general to develop program languages for describing control procedure, to mount a language translating processing system on a printing unit or a computer, and to convert the language into printing picture elements through the interpreter; see col. 1, lines 20-35, col. 2, lines 15-25, and col. 29, lines 35-65).

Regarding claim 47, Nagasaka '246 discloses the system (Figs. 2, 31, 34, 37), further comprising:

means (Engine controller 302, fig. 2) for receiving a user designation of the image processing to be performed on the first set of images (i.e., the user's printing request for the first set of images is operated by the user through the computer 6a; see col. 6, lines 40-45 and col. 7, lines 45-50, fig. 2).

Regarding claim 48, Nagasaka '246 discloses the system (Figs. 2, 31, 34, 37), further comprising:

means (picture element transfer processing 228, fig. 5) for resizing the first plurality of processed images before printing the first plurality of processed images (i.e.,

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these data are compressed by a picture element transfer processing 228 and then outputted to the network 7; see col. 7, lines 19-21, fig. 5), wherein the resizing is based on the size of an output medium upon which the first plurality of processed images will be printed (i.e., a process of forming actual picture elements, at which a dot string is generated on the basis of the description; see col. 7, lines 15-20).

Regarding claim 49, Nagasaka '246 discloses the system (Figs. 2, 31, 34, 37), wherein the means (Program 107, fig. 31) for performing image processing performs the image processing such that the time required to print the first plurality of processed images is reduced (i.e., the quantity of translation is merely a portion of the description for one page, and the execution time can be then reduced; see col. 28, lines 55-60).

Regarding claim 50, Nagasaka '246 discloses a computer-readable storage medium (Device driver 3, memory unit 204, fig. 3) comprising instructions (Program 1, 5, 18, PDL processing interpreter 2, fig. 3) for printing a plurality of digital images (information processing unit (6a) which generates a printing request, so as to be rasterized into picture element information; see Abstract, fig. 3), the instructions comprising instructions for:

performing image processing on a first set of images (i.e., server process 211 of the computer 6a receives the intermediate code data strings, extracts **the data portion**, and transfers them to a rasterizer 212; see col. 7, lines 10-15) including fewer than all of a plurality of images to produce a first plurality of processed images (i.e., the formed

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intermediate code 10 is divided into plural portions and the respective portions of the divided intermediate code strings 230 of computer 6a which generates a printing request; see col. 6, lines 64-68 and col. 7, lines 1-20, figs. 2-5);

after performing image processing on the first set of images (after a series of the processing have been completed, col. 7, lines 35-36), activating a print engine (col. 9, lines 10-25, figs. 7-8 and it should be noted that print engine activation means for activating a print engine is inherent in the print engine);

printing the first plurality of processed images using the print engine (i.e., the client process 210 executes a printer control code addition processing 221 for the plurality of picture element data in accordance with the physical specifications of the printer 21; see col. 7, lines 35-40, fig. 4).

Regarding claim 51, Nagasaka '246 discloses the computer-readable storage medium (Device driver 3, memory unit 204, fig. 3), the instructions (Program 1, 5, 18, PDL processing interpreter 2, fig. 3) further comprising instructions for:

performing image processing on a second set of images (i.e., server process 211 of the computer 6b receives the intermediate code data strings, extracts **the data portion**, and transfers them to a rasterizer 212; see col. 7, lines 10-15) including fewer than all of the plurality of images to produce a second plurality of processed images (i.e., the formed intermediate code 10 is divided into plural portions and the respective portions of the divided intermediate code strings 230 of computer 6b which generates a printing request; see col. 6, lines 64-68 and col. 7, lines 1-20, figs. 2-5);

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printing the second plurality of processed images (i.e., the client process 210 executes a printer control code addition processing 221 for the plurality of picture element data in accordance with the physical specifications of the printer 21; see col. 7, lines 35-50, fig. 2) without stopping and reactivating the print engine (i.e., With the advance of the development of printing units suitable for high speed digital printing without stopping and reactivating the print engine, it is general to develop program languages for describing control procedure, to mount a language translating processing system on a printing unit or a computer, and to convert the language into printing picture elements through the interpreter; see col. 1, lines 20-35, col. 2, lines 15-25, and col. 29, lines 35-65).

Regarding claim 52, Nagasaka '246 discloses the computer-readable storage medium (Device driver 3, memory unit 204, fig. 3),

wherein said performing image processing on the first set of images is performed by a print client (i.e., the user's printing request is operated by the user through the computer 6a / client 6a for the first set of images; see col. 6, lines 40-68 and col. 7, lines 1-10, fig. 2),

wherein said activating a print engine (col. 12, lines 9-45, figs. 5, 10 and it should be noted that print engine activation means for activating a print engine is inherent in the print engine) and said printing the first plurality of processed images using the print engine are performed by a print server (i.e., the client process 210 executes a printer control code addition processing 221 for the plurality of picture element data in

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accordance with the physical specifications of the printer 21/ printing unit 135; see col. 7, lines 35-50, figs. 2, 34), and wherein the instructions further comprise instructions (The generated printing request is received by the software 132 via the network, col. 30, lines 10-50, fig. 34) for:

the print client (Computer 6a, fig. 34) transmitting the first plurality of processed images (a printing request is generated from any application software operative in the computer 6a, col. 30, lines 5-10) to the server (Computer 133, fig. 34) over a communications bus (7, fig. 34).

Regarding claim 54, Nagasaka '246 discloses the computer-readable storage medium (Device driver 3, memory unit 204, fig. 3), wherein the image processing performed on the first set of images is designated by a user (i.e., the user's printing request for the first set of images is operated by the user through the computer 6a; see col. 6, lines 40-45 and col. 7, lines 45-50, fig. 2).

Regarding claim 55, Nagasaka '246 discloses the computer-readable storage medium (Device driver 3, memory unit 204, fig. 3), the instructions further comprising instructions (Program 1, 5, 18, PDL processing interpreter 2, fig. 3) for:

resizing the first plurality of processed images before printing the first plurality of processed images (i.e., these data are compressed by a picture element transfer processing 228 and then outputted to the network 7; see col. 7, lines 19-21, fig. 5), wherein the resizing is based on the size of an output medium upon which the first

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plurality of processed images will be printed (i.e., a process of forming actual picture elements, at which a dot string is generated on the basis of the description; see col. 7, lines 15-20).

Regarding claim 56, Nagasaka '246 discloses the computer-readable storage medium (Device driver 3, memory unit 204, fig. 3), wherein the instructions for performing image processing comprises instructions (Program 1, 5, 18, PDL processing interpreter 2, fig. 3) for performing image processing such that the time required to print the first plurality of processed images is reduced (i.e., the quantity of translation is merely a portion of the description for one page, and the execution time can be then reduced; see col. 28, lines 55-60).

Regarding claims 29-31, 43-45, claims 29-31, 43-45 are the method claims of device claims 50-52, 54-56, respectively. Therefore, method claims 29-31, 43-45 are rejected for the reason given in device claims 50-52, 54-56.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 42, 46, 53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagasaka (US 5,333,246) in view of Kito (US 6,628,899).

Regarding claim 46, Nagasaka '246 does not explicitly show the system, wherein the means for performing image processing comprises means for performing at least one of red-eye reduction, contrast correction, or brightness correction.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Kito '899. In particular, Kito '899 teaches the system (Image Photographing system 10, figs. 1A-1B), wherein the means (Image Processing system 26, fig. 1B) for performing image processing comprises means (38, fig. 6) for performing at least one of red-eye reduction, contrast correction, or brightness correction (i.e., color balance adjustment, contrast correction, brightness correction, saturation correction, sharpness processing, red-eye correction when photographing is carried out; see col. 13, lines 40-50).

In view of the above, having the system of Nagasaka and then given the well-established teaching of Kito, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Nagasaka as taught by Kito to include: the system, wherein the means for performing image processing comprises means for performing at least one of red-eye reduction, contrast correction, or brightness correction, since the modification would ensure the system capable of effective correcting conditions so that high-quality images can be output in a consistent manner.

Regarding claim 53, Nagasaka '246 does not show the computer-readable storage medium, wherein the image processing comprises at least one of red-eye reduction, contrast correction, or brightness correction.

However, the above-mentioned claimed limitations are well known in the art as evidenced by Kito '899. In particular, Kito '899 teaches the computer-readable storage medium (24a, fig. 1B), wherein the image processing (Image Processing system 26, fig. 1B) comprises at least one of red-eye reduction, contrast correction, or brightness correction (i.e., color balance adjustment, contrast correction, brightness correction, saturation correction, sharpness processing, red-eye correction when photographing is carried out; see col. 13, lines 40-50).

In view of the above, having the system of Nagasaka and then given the well-established teaching of Kito, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system of Nagasaka as taught by Kito to include: the computer-readable storage medium, wherein the image processing comprises at least one of red-eye reduction, contrast correction, or brightness correction, since the modification would ensure the system capable of effective correcting conditions so that high-quality images can be output in a consistent manner.

Regarding claim 42, claim 42 is the method claim of device claim 53. Therefore, method claim 42 is rejected for the reason given in device claim 53.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamamoto (US 2002/0122588) discloses image processing method that is capable of effective correction of the red eye.

Kinjo et al. (US 2003/0068084) discloses the image processings include the red-eye correction processing.

Yoshida (US 2003/0021478) discloses image processing technology for identification of red eyes in image.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen H. Nguyen whose telephone number is (571)270-1229. The examiner can normally be reached on 9:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, KING Y. POON can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

/Allen H. Nguyen/
Examiner, Art Unit 2625